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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,075	06/16/2000	Ho-Jin Kweon	03364.P050	9724

7590

09/09/2002

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EXAMINER

DOVE, TRACY MAE

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/595,075

Applicant(s)  
Kweon et al.

Examiner  
Tracy Dove

Art Unit  
1745



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **DETAILED ACTION**

This Office Action is in response to the communication filed on 6/26/02. Applicant's arguments have been considered, but are moot in view of the new grounds of rejection.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the claim contains limitations regarding the subscripts of the formula recited. Since the subscript "z" does not appear in the formula, it is requested the limitation regarding "z" be deleted from claim 1. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

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Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Li, WO 97/49136.

Li teaches a lithium ion battery having a positive electrode material including a lithiated metal oxide core coated with a lithium ion conductor. The core material is preferably a lithiated transition mixed-metal oxide wherein the transition metals are selected from cobalt, nickel, vanadium, titanium and mixtures thereof. The coating material is preferably an alkali metal-metal oxide wherein the metal are selected from cobalt, vanadium, titanium, aluminum, boron and mixtures thereof. See page 6, lines 1-22. Li teaches that aluminum may be contained in the core material and the coating material (page 7, lines 3-4). Coating may broadly be construed as a physical treatment such as the application of a shell encapsulating the core and/or a surface treatment (page 11, lines 10-12). Elemental aluminum and/or boron may additionally be added to the core (lithium nickel cobalt oxide) to improve the properties thereof (page 12, lines 15-19). The coating thickness may range from very thin at the monomolecular level, up to the micron level (page 13, lines 21-23). A thickness of 10 nm is taught on page 14, lines 6-7. See also page 15, lines 9-12 regarding the coating process.

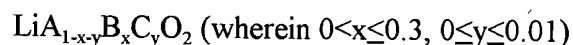
Thus the claims are anticipated.

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Claims 1-3 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kweon et al., US 6,372,385.

Kweon teaches a lithium secondary battery having a positive electrode of the formula:



having a surface coated with a metal oxide. See abstract. In the formula, A is preferably nickel, B is preferably cobalt and C is preferably aluminum or strontium (col. 4, lines 57-62). Note C may be an element such as Ni, Co, Mn, B, Mg, Ca, Sr, Ba, Ti, V, Cr, Fe, Cu or Al (abstract). The metal of the metal oxide is Mg, Al, Co, K, Na or Ca, preferably Mg (col. 5, lines 45-47). Kweon teaches a dip coating method is used as it is simple to execute (col. 5, lines 40-43). The active material particles have a particle size of 0.1-100  $\mu\text{m}$  (col. 6, lines 19-22) and the metal oxide has a thickness of 5-15 nm (col. 17, lines 1-10).

Thus the claims are anticipated.

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Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyaki et al., US 6,365,299.

Miyaki teaches a lithium secondary battery (col. 1, lines 35-63) having a positive electrode active material of a lithium-containing transition metal oxide. The surface of the positive electrode active material can be coated with an oxide having a different chemical formula from the positive electrode active material. Preferred coating include metal oxides containing  $\text{SiO}_2$ . The positive active material is preferably a lithium-containing transition metal oxide prepared from

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lithium and transition metal compounds wherein the transition metal is at least one element selected Ti, V, Cr, Mn, Fe, Co, Ni, Mo and/or W. The lithium transition metal oxide may also contain Al, Ga, In, Ge, Sn, Pb, Sb, Bi, Si, Pt and/or B. See col. 16, lines 4-67.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka, US 6,037,095 in view of Nishida et al., JP 08-236114 (see attached machine translation of document).

Miyasaka teaches a lithium secondary battery having a positive electrode material of the formula  $\text{Li}_x\text{Ni}_{1-y}\text{Co}_{y-k}\text{M}_k\text{O}_{2-z}\text{X}_a$  where M may be Al, Mg or Ti, X is a halogen atom, and "x", "y", "k", "z" and "a" satisfy the requirements shown in col. 4, lines 26-40. See col. 6, for examples of the positive active materials disclosed by Miyasaka.

Miyasaka does not explicitly state the positive active material is coated with a metal oxide.

However, Nishida teaches a lithium secondary battery having a positive electrode active material of a lithium transition metal multiple oxide which is coated with a metal oxide such as

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MgO, CaO or aluminum oxide. See page 1, paragraph [0006]. The lithium transition metal oxide may be a lithium nickel cobalt oxide (page 1, [0007]). The thickness of the coating is controlled by the method of applying the coating.

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made because Miyasaka teaches the surface of the positive active material may be modified (col. 10, lines 48-49). Furthermore, Nishida teaches that the metal oxide coating may be applied to various lithium transition metal oxide materials of lithium secondary batteries (page 3, [0029]). One of skill would be motivated to coat the surface of the positive active material of Miyasaka with the metal oxide coating of Nishida because the charge/discharge cycle properties of the lithium secondary battery would be enhanced (see page 1, [0001] and Table 1). Miyasaka suggests the surface of the positive active material may be modified.

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Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka, US 6,037,095 in view of Kweon, US 6,372,385.

Miyasaka teaches a lithium secondary battery having a positive electrode material of the formula  $\text{Li}_x\text{Ni}_{1-y}\text{Co}_{y-k}\text{M}_k\text{O}_{2-z}\text{X}_a$  where M may be Al, Mg or Ti, X is a halogen atom, and "x", "y", "k", "z" and "a" satisfy the requirements shown in col. 4, lines 26-40. See col. 6, for examples of the positive active materials disclosed by Miyasaka.

Miyasaka does not explicitly state the positive active material is coated with a metal oxide.

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However, Kweon teaches a lithium secondary battery having a positive electrode of the formula:  $\text{LiA}_{1-x-y}\text{B}_x\text{C}_y\text{O}_2$  (wherein  $0 < x \leq 0.3$ ,  $0 \leq y \leq 0.01$ ) having a surface coated with a metal oxide. See abstract. In the formula, A is preferably nickel, B is preferably cobalt and C is preferably aluminum or strontium (col. 4, lines 57-62). Note C may be an element such as Ni, Co, Mn, B, Mg, Ca, Sr, Ba, Ti, V, Cr, Fe, Cu or Al (abstract). The metal of the metal oxide is Mg, Al, Co, K, Na or Ca, preferably Mg (col. 5, lines 45-47). Kweon teaches a dip coating method is used as it is simple to execute (col. 5, lines 40-43). The active material particles have a particle size of 0.1-100  $\mu\text{m}$  (col. 6, lines 19-22) and the metal oxide has a thickness of 5-15 nm (col. 17, lines 1-10).

Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made because Miyasaka teaches the surface of the positive active material may be modified (col. 10, lines 48-49). One of skill would be motivated to coat the surface of the positive active material of Miyasaka with the metal oxide coating of Kweon because the charge/discharge cycle properties of the lithium secondary battery would be enhanced (see the Figures). Miyasaka suggests the surface of the positive active material may be modified.

#### ***Allowable Subject Matter***

Claims 12-14 are allowed.

The prior art does not teach or suggest the positive active material of claim 12 coated with a metal oxide.



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Dove whose telephone number is (703) 308-8821. The Examiner may normally be reached Monday-Thursday (9:00 AM-7:30 PM). My supervisor is Pat Ryan, who can be reached at (703) 308-2383. The Art Unit receptionist can be reached at (703) 308-0661 and the official fax numbers are 703-872-9310 (after non-final) and 703-872-9311 (after final).

September 4, 2002

  
CAROL CHANEY  
PRIMARY EXAMINER